

AO 399 (Rev. 10/95)

## WAIVER OF SERVICE OF SUMMONS

TO: MICHAEL K. BRISBIN, Attorney for Plaintiff AMERICAN GENERAL LIFE INSURANCE COMPANY  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, SHIRLEY DE CASTRO, DEFENDANT, AN INDIVIDUAL, acknowledge receipt of your request  
(DEFENDANT NAME)

that I waive service of summons in the action of AMERICAN GEN. LIFE INS. CO. v. SHIRLEY DE CASTRO  
(CAPTION OF ACTION)  
which is case number C07-02988 PVT in the United States District Court  
(DOCKET NUMBER)  
for the NORTHERN District of CALIFORNIA

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 8/12/2007  
(DATE REQUEST WAS SENT)  
or within 90 days after that date if the request was sent outside the United States.

9/12/07

DATE

J. A. D.

(SIGNATURE)

Printed/Typed Name: SHIRLEY DE CASTRO, DEFENDANT, AN INDIVIDUAL

As \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

#### **Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer of motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

**PROOF OF SERVICE**

I am a citizen of the United States, I am over the age of eighteen years not a party to the  
within cause; I am employed in the City and County of San Francisco, California and my  
business address is 525 Market Street, 17<sup>th</sup> Floor, San Francisco, California 94105.

On this date I served the following document(s):

## **WAIVER OF SERVICE OF SUMMONS**

on the party(ies) identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

**XX: By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

: **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

\_\_\_\_: **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

: **Facsimile** -- (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)

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*Attorney for Defendant*  
*Shirley De Castro*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED September 13, 2007 at San Francisco, California.

  
Joya Yeung